

Committee on Merchant Marine and Fisheries and ordered to be printed (H. Doc. 103-280).

78.13 NATIONAL EMERGENCY WITH RESPECT TO LIBYA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of February 10, 1994, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act ["IEEPA"], 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Corporation Act of 1985, 22 U.S.C. 2349aa-9(c).

1. As previously reported, on December 2, 1993, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan government in the United States or in the possession or control of U.S. persons are blocked. In addition, I have instructed the Secretary of Commerce to reinforce our current trade embargo against Libya by prohibiting the re-export from foreign countries to Libya of certain U.S.-origin products, including equipment for refining and transporting oil, unless consistent with United Nations Security Council Resolution 883.

2. There have been two amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ["FAC"] on the Department of the Treasury, since my last report on February 10, 1994. The first amendment (59 Fed. Reg. 5105, February 3, 1994) revoked section 550.516, a general license that unblocked deposits in currencies other than U.S. dollars held by U.S. persons abroad otherwise blocked under the Regulations. This amendment is consistent with action by the United Nations Security Council in Resolution 883 of November 11, 1993. The Security Council determined in that resolution that the continued failure of the Government of Libya ["GoL"] to demonstrate by concrete actions its renunciation of terrorism, and in particular the GoL's continued failure to respond fully and effectively to the requests and decisions of the Security Council in Resolutions 731 and 748, concerning the bombing of the Pan Am 103 and UTA 772 flights, constituted a threat to international peace and security. Accordingly, Resolution 883 called upon Member States, *inter alia*, to freeze certain GoL funds or other financial resources in their territories, and to ensure that their nationals did not make such funds or any

other financial resources available to the GoL or any Libyan undertaking as defined in the resolution. In light of this resolution, FAC revoked section 550.516 to eliminate a narrow exception that had existed to the comprehensive blocking of GoL property required by Executive Order No. 12544 of January 8, 1986 (3 C.F.R., 1986 Comp., p. 183), and by the Regulations. A copy of the amendment is attached to this report.

On March 21, 1994, FAC amended the Regulations to add new entries to appendices A and B (59 Fed. Reg. 13210). Appendix A ("Organizations Determined to be Within the Term 'Government of Libya' (Specially Designated Nationals of Libya)") is a list of organizations determined by the Director of FAC to be within the definition of the term "Government of Libya" as set forth in section 550.304(a) of the Regulations, because they are owned or controlled by, or act or purport to act directly or indirectly on behalf of, the GoL. Appendix B ("Individuals Determined to be Specially Designated Nationals of the Government of Libya") lists individuals determined by the Director of FAC to be acting or purporting to act directly or indirectly on behalf of the GoL, and thus to fall within the definition of the term "Government of Libya" in section 550.304(a).

Appendix A to part 550 was amended to provide public notice of the designation of North Africa International Bank as a Specially Designated National ["SDN"] of Libya. Appendix A was further amended to add new entries for four banks previously listed in Appendix A under other names. These banks are Banque Commerciale du Niger (formerly Banque Arabe Libyenne Nigerienne pour le Commerce Extérieur et le Développement), Banque Commerciale du Sahel (formerly Banque Arabe Libyenne Malienne pour le Commerce Extérieur et le Développement), Chinguetty Bank (formerly Banque Arabe Libyenne Mauritanienne pour le Commerce Extérieur et le Développement), and Société Interafricaine du Banque (formerly Banque Arabe Libyenne Togolaise pour le Commerce Extérieur). These banks remain listed in Appendix A under their former names as well.

Appendix B to Part 550 was amended to provide public notice of three individuals determined to be SDNs of the GoL: Seddigh Al Kabir, Mustafa Saleh Gibril, and Farag Al Amin Shallouf. Each of these three individuals is a Libyan national who occupies a central management position in a Libyan SND financial institution.

All prohibitions in the Regulations pertaining to the GoL apply to the entities and individuals identified in appendices A and B. All unlicensed transactions with such entities or persons, or transactions in which they have an interest, are prohibited unless otherwise exempted or generally licensed in the Regulations. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 69 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (33) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent GoL interest. The largest category of denials (18) was for banking transactions in which FAC found a GoL interest. Four licenses were issued authorizing intellectual property protection in Libya.

4. During the current 6-month period, FAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 126 transactions involving Libya, totaling more than \$14.7 million, were blocked. Four of these transactions were subsequently licensed to be released, leaving a net amount of more than \$12.7 million blocked.

Since my last report, FAC collected 15 civil monetary penalties totaling nearly \$144,000 for violations of the U.S. sanctions against Libya. Twelve of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks. The other three penalties were received for violations involving letter of credit and export transactions.

Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. Open cases as of May 27, 1994, totaled 330. Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies, primarily the U.S. Customs Service. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. The FAC has continued to work closely with the Department of State and Justice to identify U.S. persons who enter into contracts or agreements with the GoL, or other third-country parties, to lobby United States Government officials and to engage in public relations work on behalf of the GoL without FAC authorization.

On May 4, 1994, FAC released a chart, "Libya's International Banking Connections," which highlights the Libyan government's organizational relationship to 102 banks and other financial entities located in 40 countries worldwide. The chart provides a detailed look at current Libyan shareholdings and key Libyan officers in the complex web of financial institutions in which

Libya has become involved, some of which are used by Libya to circumvent U.S. and U.N. sanctions. Twenty-six of the institutions depicted on the chart have been determined by FAC to be SDNs of Libya. In addition, the chart identifies 19 individual Libyan bank officers who have been determined to be Libyan SDNs. A copy of the chart is attached to this report.

In addition, on May 4, 1994, FAC announced the addition of five entities and nine individuals to the list of SDNs of Libya. The five entities added to the SDN list are: Arab Turkish Bank, Libya Insurance Company, Maghreban International Trade Company, Saving and Real Estate Investment Bank, and Société Maghrebine D'Investissement et de Participation. The nine individuals named in the notice are: Yousef Abd-El-Razegh Abdelmulla, Ayad S. Dahaim, El Hadi M. El-Fighi, Kamel El-Khallas, Mohammed Mustafa Ghabdan, Mohammed Lahmar, Ragiab Saad Madi, Bashir M. Sharif, and Kassem M. Sherlala. All prohibitions in the Regulations pertaining to the GoL apply to the entities and individuals identified in the notice issued on May 4, 1994. All unlicensed transactions with such entities or persons, or transactions in which they have an interest, are prohibited unless otherwise exempted or generally licensed in the Regulations. A copy of the notice is attached to this report.

The FAC also continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

5. The expenses incurred by the Federal Government in the 6-month period from January 7, 1994, through July 6, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately \$1 million. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the GoL continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. The United States continues to believe that still stronger international measures than those mandated by United Nations Security Council Resolution 883, including a worldwide oil embargo, should be enacted if Libya continues to defy the international community. We remain determined to ensure that the perpetrators of the terrorists acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully

and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 18, 1994.

The message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 103-281).

¶78.14 NOTICE REQUIREMENT—MOTION TO INSTRUCT CONFEREES—H.R. 3355

Mr. McCOLLUM, pursuant to clause 1(c) of rule XXVIII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety; be instructed not to make any agreement that does not include section 2405 of the Senate amendment, providing mandatory prison terms for use, possession, or carrying of a firearm, or destructive device during a state crime of violence or state drug trafficking crime.

¶78.15 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAQ

The SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1994, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 19, 1994.

The message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 103-282).

¶78.16 HONORING ASTRONAUTS FOR MOON EXPLORATION

Mr. HALL of Texas moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 261):

Whereas on May 25, 1961, the President of the United States established a goal for the country to land a man on the Moon and return him safely to Earth before the end of the decade;

Whereas in furtherance of that goal, 34 American astronauts flew 27 missions in space;

Whereas in their efforts to achieve that goal, 3 astronauts died in the tragic Apollo 204 fire on the launch pad and 4 others died in T-38 crashes while in training;

Whereas the goal of the President was achieved on July 20, 1969 when the Lunar Module, Eagle, landed on the surface of the Moon carrying a crew of 2 astronauts;

Whereas a total of 24 American astronauts flew to the vicinity of the Moon and 12 of them landed on and explored its surface;

Whereas the successful execution of the program to reach and explore the Moon was one of the greatest achievements in the history of mankind;

Whereas the hardware and astronauts involved in the Lunar program subsequently flew 3 Skylab missions, and 1 international Apollo-Soyuz mission;

Whereas the astronauts who put their lives on the line by flying in space in the execution of that program are true national heroes; and

Whereas these astronauts should receive popular recognition from a grateful Nation for their tremendous achievement: Now, therefore, be it

Resolved by the House or Representatives (the Senate concurring). That henceforth Buzz Aldrin (Gemini 12, Apollo 11), William Alison Anders (Apollo 8), Neil Alden Armstrong (Gemini 8, Apollo 11), Charles Arthur Bassett II (died in T-38 crash), Alan LaVern Bean (Apollo 12, Skylab 3), Frank Borman (Gemini 7, Apollo 8), Vance DeVoe Brand (Apollo-Soyuz), Malcolm Scott Carpenter (Mercury-Atlas 7), Gerald Paul Carr (Skylab 4), Eugene Andrew Cernan (Gemini 9, Apollo 10, Apollo 17), Roger Bruce Chaffee (Apollo 204), Michael Collins (Gemini 10, Apollo 11), Charles Conrad, Jr. (Gemini 5, Gemini 11, Apollo 12, Skylab 2), Leroy Gordon Cooper, Jr. (Mercury-Atlas 9, Gemini 5), Ronnie Walter Cunningham (Apollo 7), Charles Moss Duke, Jr. (Apollo 16), Donn Fulton Eisele (Apollo 7), Ronald Ellwin Evans (Apollo 17), Theodore Cordy Freeman (died in T-38 crash), Owen Kay Garriott (Skylab 3), Edward George Gibson (Skylab 4), John Herschel Glenn, Jr. (Mercury-Atlas 6), Richard Francis Gordon, Jr. (Gemini 11, Apollo 12), Virgil Ivan Grissom (Mercury-Redstone 5, Gemini 3, Apollo 204), Fred Wallace Haise, Jr. (Apollo 13), James Benson Irwin (Apollo 15), Joseph Peter Kerwin (Skylab 2), Jack Robert Lousma (Skylab 3), James Arthur Lovell, Jr. (Gemini 7, Gemini 12, Apollo 8, Apollo 13), Thomas Kenneth Mattingly II (Apollo 16), James Alton McDivitt (Gemini 4, Apollo 9), Edgar Dean Mitchell (Apollo 14), William Reid Pogue (Skylab 4), Stuart Allen Roosa (Apollo 14), Walter Marty Schirra, Jr. (Mercury-Atlas 8, Gemini 6, Apollo 7), Harrison Hagan Schmitt (Apollo 17), Russell Louis Schweichart (Apollo 9), David Randolph Scott (Gemini 8, Apollo 9, Apollo 15), Elliot McKay See, Jr. (died in T-38 crash),